

HON'BLE SRI JUSTICE GOPALAKRISHNA TAMADA

WRIT PETITION No.20195 of 1997

Date: 02-08-2007.

Between :

Kadiyala Buggappa (died), rep. by his L.Rs.

.....Petitioners

And

The Joint Collector, Mahabubnagar & others.

.....Respondents.

HON'BLE SRI JUSTICE GOPALAKRISHNA TAMADA

WRIT PETITION No.20195 of 1997

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ORDER :

The grievance of the petitioners is that Occupancy Rights Certificate was issued by the 2nd respondent- Revenue Divisional Officer on 10.01.1991 in favour of the father of the petitioners and questioning the same, the 4th respondent preferred an appeal before the 1st respondent and as none were present, the Joint Collector, having gone through the record, came to the conclusion that the said issuance of Occupancy Rights Certificate is without examining the statutory requirements and thus, remanded the matter to the original authority i.e. the 2nd respondent. The said order dated 30.07.1997 is questioned in this writ petition.

Having gone through the material on record and also on hearing the counsel on either side, this Court is of the view that it is only a matter of remand to the Revenue Divisional Officer and the contentions putforth by the learned counsel for petitioners that their father had died,

etc., can as well be brought to the notice of the original authority.

As the matter is remanded to the original authority for denova enquiry, the 2nd respondent is hereby directed to decide the matter afresh after issuing notices to the parties concerned and affording opportunities to them to advance their cause. Further, the 2nd respondent is directed not to get influenced by any of the observations made by the Joint Collector in his orders dated 30.07.1997. The said exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order. Accordingly, this writ petition is disposed of.

GOPALAKRISHNA TAMADA, J

2nd August 2007

ajr